

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 942

Introduced by Byars, 30

Read first time January 9, 2004

Committee: Health and Human Services

A BILL

- 1 FOR AN ACT relating to local public health departments; to amend
2 sections 71-501, 71-1628.08, and 71-1636, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 funding and applicability of law; to provide an operative
5 date; to repeal the original sections; and to declare an
6 emergency.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-501, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-501. ~~The county boards of the counties~~ (1) A local
4 public health department established under sections 71-1626 to
5 71-1636 or the county board of counties that do not have such a
6 local public health department shall make and enforce regulations
7 to prevent the introduction and spread of contagious, infectious,
8 and malignant diseases in their respective counties. ~~To that end~~

9 (2) If there is no such local public health department, a
10 board of health shall be created, consisting of three members: The
11 sheriff, who shall be chairperson and quarantine officer; a
12 physician who resides permanently in the county, but if the county
13 has no resident physician, then one conveniently situated, who
14 shall be medical adviser, and who shall be chosen by the board of
15 county commissioners or supervisors; and the county clerk, who
16 shall be secretary. The county board may pay the chairperson of
17 the board of health a salary for such services not to exceed fifty
18 dollars per month, as fixed by the county board.

19 (3) The ~~board~~ local public health department or the board
20 of health, as applicable, shall make rules and regulations to
21 safeguard the health of the people and prevent nuisances and
22 insanitary conditions and shall enforce the same throughout all the
23 territory comprising such county, except incorporated cities and
24 villages, and provide penalties for the violation thereof. If the
25 local public health department or board of health fails to enact
26 rules and regulations as ~~herein~~ provided in this section, it shall
27 enforce the rules and regulations promulgated by the Department of
28 Health and Human Services Regulation and Licensure.

1 Sec. 2. Section 71-1628.08, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1628.08. (1) The County Public Health Aid Program is
4 created. Aid as appropriated by the Legislature from the Nebraska
5 Health Care Cash Fund shall be distributed in each fiscal year as
6 provided in this section.

7 (2) Of funds appropriated by the Legislature under
8 subsection (1) of this section, the following amounts shall be
9 distributed to local public health departments established under
10 sections 71-1626 to 71-1636:

11 (a) One hundred thousand dollars to each local public
12 health department established by at least three contiguous counties
13 with a total population of at least thirty thousand and not more
14 than fifty thousand persons;

15 (b) One hundred twenty-five thousand dollars to each
16 local public health department established by one or more counties
17 with a total population of more than fifty thousand and not more
18 than one hundred thousand persons; and

19 (c) One hundred fifty thousand dollars to each local
20 public health department established by one or more counties with a
21 total population of more than one hundred thousand persons.

22 (3) Any appropriated funds not distributed under
23 subsection (2) of this section shall be allocated among all
24 counties on a per capita basis as determined by the most recent
25 federal decennial census. The funds allocated for each county
26 shall be distributed to the local public health department which is
27 established by the county and receiving funding under subsection
28 (2) of this section. ~~Any appropriated funds that are not~~

1 distributed under this subsection in any fiscal year shall not be
2 ~~reappropriated under this section.~~ If a county is not part of a
3 local public health department and does not enter an interlocal
4 agreement to establish or become a part of a local public health
5 department by January 1, the county's share of funds under this
6 subsection shall be distributed on a per capita basis among all
7 counties which are part of a local public health department or
8 party to an interlocal agreement to establish or become a part of a
9 local public health department as of such date.

10 (4) Funds appropriated under this section shall not be
11 used to replace ~~or reduce any~~ existing county funding to any local
12 public health department. Funding for any local public health
13 department under this section shall be reduced to offset any such
14 replacement. ~~or reduction.~~

15 Sec. 3. Section 71-1636, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 71-1636. ~~Any section, clause, phrase or requirement~~
18 ~~heretofore mentioned in sections~~ A local public health department
19 created under sections 71-1626 to 71-1636 is a governmental entity.

20 Sections 71-1626 to 71-1636 ~~shall do~~ not apply to any
21 school district in the State of Nebraska, except that any school
22 district, upon application to a county, district, or city-county
23 health department formed under ~~said~~ such sections, may accept in
24 whole or in part any of the provisions of ~~said~~ such sections, by
25 entering into an agreement for that purpose with such health
26 district.

27 Sec. 4. This act becomes operative on July 1, 2004.

28 Sec. 5. Original sections 71-501, 71-1628.08, and

1 71-1636, Reissue Revised Statutes of Nebraska, are repealed.

2 Sec. 6. Since an emergency exists, this act takes effect
3 when passed and approved according to law.